REMARKS

In the Office Action dated January 3, 2006, the drawings were objected to; claims 1-13 were rejected under 35 U.S.C. § 101; and claims 1-28 were rejected under § 102 over U.S. Patent No. 6,381,619 (Borowsky).

OBJECTION TO THE DRAWINGS

Reference numeral "500" on line 19 of page 24 has been replaced with "600" to be consistent with Fig. 6. Reference numeral "700" has been added to line 22 on page 25.

The amendments have overcome the objection to the drawings.

REJECTION UNDER 35 U.S.C. § 101

Independent claims 1 and 12 have been amended to address the § 101 rejection. In both claims, the element "obtaining a plan" has been replaced with "obtaining a plan created by a planner executable in a computer." Therefore, claims 1 and 12 can no longer be considered as being merely directed to an abstract idea. Withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claim 28 has been cancelled, without prejudice, to render the rejection of the claim moot.

It is respectfully submitted that amended claim 1 is not anticipated by Borowsky. Borowsky does not disclose feeding back information relating to the execution of the at least one move to the planner, and modifying the plan by the planner in response to the information. Such feedback is not performed in Borowsky. Figs. 5 and 6 of Borowsky relate to two alternative techniques for performing migration planning. In both techniques, a task of determining whether a goal configuration has been met is performed (task 144 in Fig. 5 and task 172 in Fig. 6 of Borowsky). Note that in both cases, the determination of whether goal configuration has been met is made in the context of developing a migration plan. The actual execution of moves is performed by control 28 depicted in Fig. 1 of Borowsky, not by the migration plan generator. *See* Borowsky, 5:10-11 (the migration plan generator 100 produces a viable migration plan 120 for *implementation* by the control 28); 10:6-7 (the migration plan 120 *is used by* the control 28 to automatically optimize data storage configurations). The migration plan generator 100 is separate from the control 28, with the migration plan generator 100 connected to receive initial configuration data 110, goal configuration data 112, and a set of constraints 114 from the control 28. Borowsky, 4:40-44. There is no indication that the control 28, which implements the moves of a migration plan (in other words, executes the moves of the migration plan) provides any feedback information relating to execution of the moves to the migration plan generator 100.

In view of the foregoing, it is respectfully submitted that claim 1 is allowable over Borowsky.

Amended independent claims 10, 14, and 15 are allowable for similar reasons as claim 1.

Dependent claims, including newly added dependent claims 29-34, are allowable for at least the same reasons as corresponding independent claims.

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Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (100202201-1).

Respectfully submitted,

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Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
Telephone: (713) 468-8880
Facsimile: (713) 468-8883